

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

JOEL PATTERSON, *et al.*,  
Appellants,

v.

Civil No. 3:21cv167 (DJN)

MAHWAH BERGEN RETAIL GROUP, INC.  
Appellee.

**ORDER**

**(Requiring Submission of Approval of Petition for Attorneys' Fees to District Court)**

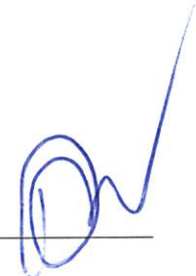
This matter comes before the Court following the Court's remand of this case to the Bankruptcy Court (ECF No. 80). Previously, while the appeal in this case was pending, the Court ordered that all fee petitions be submitted to the undersigned, rather than the Bankruptcy Court, for resolution. (ECF No. 49.) Now that the case has been remanded to the Bankruptcy Court for further proceedings consistent with the Court's Memorandum Opinion (ECF No. 79), the Court hereby ORDERS that, with respect to any further petitions for approval of attorneys' fees, the Bankruptcy Court shall submit proposed findings of fact and conclusions of law to the District Court, pursuant to 28 U.S.C. § 157(c)(1). The normal procedures for objecting to and reviewing proposed findings of fact and conclusions of law will govern the District Court's review of the petitions for attorneys' fees.

Further, it is hereby ORDERED that any attorneys' fees approved in this case shall not be for rates that exceed the prevailing market rates in the Richmond Division of the Eastern District of Virginia. *See Robinson v. Equifax Info. Servs., LLC*, 560 F.3d 235, 244 (4th Cir. 2009) (stating that "the fee applicant must produce satisfactory specific evidence of the prevailing market rates in the relevant community for the type of work for which he seeks an award");

*Grissom v. The Mills Corp.*, 549 F.3d 313, 323 (4th Cir. 2008) (holding that evidence of prevailing rate in Washington D.C. was not a reliable indicator of reasonable rates in Reston, Virginia, a suburb of Washington, D.C.); *see also Interfaith Cmty. Org. v. Honeywell Int'l, Inc.*, 426 F.3d 694, 705 (3d Cir. 2005) (adopting the forum rate rule that “in most cases, the relevant rate is the prevailing rate in the forum of the litigation”).

The Clerk is directed to file this Order electronically, notify all counsel of record and forward a copy to the chambers of Chief United States Bankruptcy Judge Frank J. Santoro and United States Bankruptcy Judge Kevin R. Huennekens.

It is so ORDERED.

  
\_\_\_\_\_/s/  
David J. Novak  
United States District Judge

Richmond, Virginia  
Date: January 13, 2022